

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

HOLLI TELFORD,

Plaintiff,

v.

MONTANA LAND EXCHANGE, M.
STOSICH, DOES REALTORS OF
MONTANA LAND EXCHANGE,
STAR VALLEY RANCH TOWN,
DOES EMPLOYEES OF TOWN, and
U.S. BANK,

Defendants.

CV-19-2-BMM-KLD

ORDER

Plaintiff Holli Telford (“Telford”) filed an affidavit under 28 U.S.C. § 144 on October 4, 2019. (Doc. 22.) Telford then filed a motion to withhold ruling on her affidavit on October 7, 2019. (Doc. 23.) This Court denied Telford’s motions. (Doc. 24.) Telford filed a motion to vacate that order. (Doc. 25.) Telford then filed a notice of appeal that included this Court’s denial of Docs. 22 and 23. (Doc. 26.)

“The filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam); *Townley v. Miller*, 693 F.3d 1041, 1042 (9th Cir. 2012)

(holding that under *Griggs* the appellate court has jurisdiction over appeals from a district court order); *BNSF Ry. Co. v. Feit*, No. 10-cv-54, No. 11-cv-01, 2014 WL 12769807, at *1 (D. Mont. Apr. 2, 2014) (same). Telford's notice of appeal divests this Court of jurisdiction over her motion to vacate because the motion to vacate involves the issues now on appeal.

ORDER

Accordingly, **IT IS ORDERED** that Telford's motion to vacate (Doc. 25) is **DENIED**, subject to renewal following the Ninth Circuit Court of Appeals' decision on the pending appeal.

DATED this 4th day of November, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on the top line and "Morris" on the bottom line.

Brian Morris
United States District Court Judge